dient to appoint a superintendent, and organize a suitable corps of operatives on each road. Each superintendent was instructed to pass over the entire length of the section of the route assigned him, locating it on the most direct and advantageous ground, and opening and improving it in such a manner as to admit of the easy passage of a loaded wagon.

The immediate direction of the movements of these several parties was placed by me in charge of a gentleman of experience; and so soon as full information of the operations of the past season is received, I will cause him to make a detailed report of their progress, for the purpose of laying it before Congress.

The Fort Ridgely and South Pass road has already been opened as far west as the Missouri river, a distance of about two hundred and fifty miles, and the country through which it runs is reported to be a rich and desirable one for settlement. The appropriation for this work has, however, been exhausted, although some four hundred and fifty miles remain to be completed. To finish this portion of the road, should it be the pleasure of Congress to carry out its original design, an additional appropriation of thirty thousand dollars will be required, and it should be made at an early day.

The joint commission for running and marking the boundary between the United States and Mexico, under the treaty of December 3, 1853, concluded its labors and adjourned on October 1; and the commissioner on our part has turned over to this department the maps, (with one or two exceptions, which are in the hands of the engraver,) journals, astronomical determinations, and other public property in his possession.

Of the report heretofore ordered by Congress to be printed, the first volume is completed, and will be ready for distribution early in January. The second volume, or appendix, which contains the reports upon the zoology and botany of the region surveyed, is still incomplete. The engraved plates to illustrate this part of the work are in the custody of this department, so far as they are completed.

During the last Congress, the Senate, by resolution, ordered the printing of five thousand extra copies of the report proper and accompanying maps, and two thousand extra copies of the second volume, or appendix, to be paid for out of the fund appropriated for running the boundary. The execution of this order will cost from thirty-five to forty thousand dollars. The resolution of the Senate, without the concurrence of the House of Representatives and the President, will not furnish to this department a sufficient warrant to justify the payment of these expenses out of the fund designated.

By the 14th section of the act approved March 3, 1837, the Commissioner of Patents is required annually, in the month of January, to make a report to Congress, detailing the operations of his bureau. This law was enacted while the office was under the supervision of the Secretary of State; and as it was not required of him to make an annual report, it was deemed more convenient, without doubt, for the Commissioner to report directly to Congress. The act approved March 3, 1849, transferred the supervisory and appellate powers, in relation to the acts of the Commissioner of Patents, previously exercised by the Secretary of State, to the Secretary of the Interior. All the other bureaus of the department make annual reports to the Secretary to be laid before the President, and by him communicated to Congress. But in the case of the Commissioner of Patents, while the rules and regulations for the management of his office, his acts, and the conduct of all those under his immediate supervision are subject to the control of the Secretary, and, through him, of the President, yet the annual report required of him is not in any way, under existing law, open to the revision of either. There is nothing in the peculiar nature of the subjects or duties pertaining to that bureau which makes this exception necessary; and as the reason for the law has ceased to exist, it might be changed with propriety.

From the 1st of January to the 30th of September, 1847, 4,095 applications for patents have been received, and 820 caveats filed; 2,066 patents have been issued, and 2,287 applications rejected.

The receipts for the three quarters ending 30th September, 1857, were $161,415 97. The expenditures were $163,942 04. Excess of expenditures over receipts, $2,526 07.

The policy indicated in the law establishing the Patent Office is, that it should be a self-sustaining bureau. This policy is a sound one, and should be observed.

The law now authorizes a return, upon the rejection of an application, of two-thirds of the fee required to be deposited by the applicant on presenting his claim. Of the $163,942 04 expended during the last three quarters, $27,939 99 was made up of fees restored to applicants, after the labor of examining their cases had been performed. There seems to be neither justice nor expediency in this requirement. Its consequence has been to bring into the office a large amount of business, frivolous in its character, and which seems, in fact, obtruded but as an experiment upon its credulity. If it is desired that this bureau should be, as heretofore, supported by its own earnings, this feature of the financial administration of the office should be revised and reformed.

By the ninth section of the act approved July 4, 1836, the applicant for a patent, if a subject of the King of Great Britain, was required to pay a fee of five hundred dollars. At that time an American citizen applying for a patent in that kingdom was required to pay a fee of one hundred pounds. But recently the English government has reduced the fee required of an American citizen from one hundred to twenty pounds. As the fee originally required seems to have been determined on a principle of retaliation, it is proper and becoming in our government to respond to the liberal policy shown by Great Britain toward our citizens, by reducing the fee in such cases to one hundred dollars.

The existing law authorizes an appeal from the decision of the Commissioner to either of the judges of the circuit court for the District of Columbia. This law is an anomaly in our legislation. It confounds the executive and judicial departments, which the genius of our institutions requires should be kept separate and distinct from each other. Its violation of principle is not a more serious difficulty than its practical operation. The appellant not only selects the judge who shall try the case, but also pays the fee of twenty-five dollars allowed him. The amount of compensation thus received will depend upon the number of cases brought before him; that number will inevitably be influenced by his course of decision. The judge is thus placed in a position of embarrassment, if not of humiliation, alike to be deplored by himself and the country.

This law should be repealed, and some other system substituted which will put this office in a position of independence in its executive action, and at the same time secure all the rights of inventors. The most feasible plan yet suggested to effect this is, in my judgment, to authorize the creation of a permanent board of review, to consist of three members, selected from the examiners of the office, and who shall be known as examiners-in-chief. This board shall be charged with the duty of hearing and determining upon all appeals from the judgment of the primary examiners, except in cases of appeal where any of these may have previously formed and expressed an opinion; in which case another examiner may be substituted to act in his stead; and then their judgment and action will be subject to the supervision and review of the Commissioner. This alteration of existing law, must necessarily increase the efficiency of the office, and at the same time secure uniformity and certainty in its rules of action. And while the inventor will be saved from vexatious delays, and heavy costs to judges and counsel, he must feel satisfied that, in the provision made for the thorough examination of his application by the examiner in the first instance, then by the board of examiners-in-chief, and, lastly, by the Commissioner, he has secured to him the amplest opportunity for the establishment of his rights.

The activity and success of the inventive genius of the country, the limited circumstances of this worthy class of our fellow-citizens, who are badly prepared to brook delay or expense in the prosecution of their claims, the rapid enlargement and growing importance of this branch of business, and the fact that this office asks nothing from the national treasury, but only seeks such an organization of its internal machinery as will place this branch of the public service upon the most efficient footing, justify an earnest invocation of the attention of Congress to the wants of this office.

The agricultural division of this office is growing in popularity with the country and increasing in usefulness. It may be well questioned whether any other expenditure of the public money has ever proved so largely remunerative and so beneficent in its influences. The crop of Chinese and African sugar-cane alone for the present year will more than compensate for the money heretofore expended in this behalf.

Measures have been taken for the establishment of a more satisfactory system for the distribution of seeds; the introduction of the tea plant; the collection of the seed and cuttings of the native grape vines with a view of testing their value for the manufacture of wine; the investigation of the nature and habits of the insects that infest the cotton plant, with the view of ascertaining whether some plan can be devised for the protection of the cotton planter, and for the chemical analysis of various plants and soils.

The cases required by the act of March 3, 1857, to be constructed in the hall of the Smithsonian Institution for the reception of the collections of the exploring expeditions and other objects of curiosity and interest, now in the main hall of the Patent Office building, have been contracted for, and sufficient progress has been made to warrant the belief that the removal can be made before the expiration of the current fiscal year. The object of the transfer of these collections to the Smithsonian Institution evidently was to relieve the Patent Office from the responsibility and trouble of their custody; the force, therefore, heretofore employed to take care of them will then be no longer needed by this office, and no estimate has been submitted for that purpose.

I am, sir, very respectfully, your obedient servant,

J. THOMPSON,
Secretary of the Interior.

To the PRESIDENT of the United States.

WASHINGTON CITY.

SUNDAY MORNING, DEC. 13, 1857.

KANSAS—JUDGE DOUGLAS AND THE ADMINISTRATION.

The position of Judge Douglas on the Kansas question is now fully and authoritatively defined. We had hoped to the very moment when, in the introductory portion of his late speech, he remarked that the President had fallen into a "fundamental error" in his construction of the Kansas-Nebraska act, that Judge Douglas would not feel himself constrained to take an antagonistic position towards the administration. When that emphatic announcement, however, was made, we ceased to have further hope. The fact is now fixed that on the issue which involves the prompt admission of the Territory of Kansas as a State, and the consequent early settlement of the slavery question as a subject for national disturbance, the administration is to have the determined and active opposition of Judge Douglas. It is needless to say that we regret the determination to which his mind has arrived; we regret it for various reasons which will occur to every democrat without any suggestion from us. In this issue we think the administration holds the side of right and principle, and in this conviction we are strengthened rather than weakened by Judge Douglas's elaborate and able speech. With the same candor and directness with which he has criticized and controverted the arguments and conclusions of the message, we propose to examine one or two of his positions.

Judge Douglas expresses his gratification that upon "a more careful and critical reading of the message" the difference between himself and the President is not so great as he had supposed "on a hasty reading and imperfect hearing of it in the first instance." Upon this more careful and critical reading he is rejoiced to find that "the President has not recommended that Congress should pass a law to receive Kansas into the Union under the constitution formed at Lecompton;" and yet he admits that the "tone" of that document indicates that such a law would receive the executive approval. In this we see no special cause for the joy manifested by Judge Douglas. It was not necessary, if indeed it would have been proper, for the President to do more than indicate distinctly his acquiescence in the legality of the action of the convention. There is as little cause for the gratification produced by the fact that the President has not "endorsed," as assumed by Judge Douglas, the action of the convention. It would have been difficult for the President to use stronger language of *endorsement* of the legality of the convention and of its action than he has done. We are fearful that Judge Douglas's perusal of the message has yet been less "careful and critical" than he supposes; otherwise he could hardly have found in it the expressions of "regret and mortification and disappointment that the constitution had not been submitted to the people" which he attributes to the President. Our perusal of it has not enabled us to find these expressions. But these preliminary and introductory remarks are only important to be made that none may be misled into the idea that the administration is indifferent as to the fate of a measure in regard to which the President says that if this opportunity of settling the question in Kansas should be rejected "she may be involved for years in domestic discord, and possibly in civil war, before she can again make up the issue now so fortunately tendered and again reach the point she has already attained." With such language as this before him it is difficult to understand how Judge Douglas can assume that the administration was so indifferent as to the result that the President had recommended no bill to be passed, and that it is not to be regarded as "an administration measure."

Judge Douglas states correctly that the President construes the Kansas-Nebraska act to mean that "the slavery question only was required to be referred to the people, and that the remainder of the constitution was not thus required to be submitted." In this construction of the act Judge Douglas thinks the President has fallen into "a fundamental error"—an error which is graciously but gratuitously attributed by him to the fact that the President was absent from the country during the discussions on the Kansas-Nebraska bill. On the other hand, Judge Douglas maintains that the true meaning of the Kansas-Nebraska act is that "the slavery question, like all other questions, should be submitted to the people to be decided for themselves." Assuming it to be true that by the true interpretation of the Kansas law any question whatever was required to be submitted after the formation of a constitution by a legally-appointed convention, the issue between the President and Judge Douglas is, whether the slavery question only, or the whole constitution, is required to be submitted? It is proper for us to remark that, in the judgment of very many of his friends, the President has conceded too much in agreeing that even the single question of slavery is required by the Kansas-Nebraska act to be submitted after the formation of a constitution by a legally-chosen convention. But that is a concession of which Judge Douglas cannot complain, and on which he has based much of his argument.

In support of his position that the Kansas-Nebraska bill required that the whole constitution should be submitted for popular ratification, Judge Douglas appeals to the understanding of the authors and supporters of the bill when it was brought forward, and asks, "Did we not come before the country and say that we repealed the Missouri restriction for the purpose of substituting and carrying out, as a general rule, the great principle of self-government, which left the people of each State and each Territory free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States?" We answer unhesitatingly in the affirmative; all of the supporters of the bill maintained this proposition. But Judge Douglas overlooks the fact that all men of all parties freely conceded that, as to all other internal and domestic questions except that of slavery, the people of the Territories were entitled to enjoy the rights of self-government. His own speech, which he quotes to prove that he labored to make the rule of self-government universal, proves that it was only as to the slavery institution that the rule had been violated. After enumerating many of the objects of government, and showing that as to all these it is agreed and conceded on all hands that the people may govern themselves, he adds: "Why make an exception of the slavery question by taking it out of that great rule of self-government which applies to *all the other relations of life?*" This may be assumed, then, as conclusively settled—that the Missouri restriction was repealed for the purpose of removing the only obstacle to the universality of the rule of self-government in Kansas, and, consequently, that this was the only object sought to be accomplished by the Kansas-Nebraska act. As far distant as Mr. Buchanan was, and as deeply engrossed as was his mind with great questions of foreign policy, he had at least leisure enough to read the speeches of Judge Douglas. He would naturally look to these as the best exponents of the object and meaning of the Kansas act. In all of them he found the one single idea pressed—*that the Kansas bill was designed to enable the people of Kansas to regulate the question of slavery in their own way, in order that their right of self-government might be perfect.* When, therefore, in his message, the President construes the Kansas act as having for its great controlling object the protection of the people of Kansas in the right to regulate the slavery question in their own way, he adopted the construction put upon that act by the whole country, and by none more unreservedly than by Judge Douglas. We are amazed now to find that Judge Douglas accuses the President of committing "a fundamental error" in adopting this construction of the law—"an error," adds Judge Douglas, "which lies at the foundation of his whole argument on this matter!" If the President has erred in his view of the object and principle of the Kansas act, he has only erred in following in the footsteps of Judge Douglas.

But the President has not fallen into "a fundamental error" in his construction of the Kansas act. He has not only the authority of Judge Douglas, the author of that act, sustained by all the supporters of the measure, but he is sustained by the National Convention which nominated him for the presidency. That convention indicated in language so clear that it admits of no controversy, that the only controlling object and meaning of the Kansas act was that the people of Kansas should regulate the question of slavery in their own way when prepared to come into the Union as a State; their right to regulate other matters not having been disputed by any one. It is true, as intimated by Judge Douglas, that this is the *fundamental truth* (not the "fundamental error") on which the impregnability of the President's argument rests. If the true meaning and object of the Kansas act were that the people of Kansas should be secured in the right to adopt or reject slavery as they pleased, the conclusion is irresistible that the Kansas convention has carried out faithfully that object, and the President stands fully and triumphantly vindicated in sustaining the action of the convention.

But Judge Douglas displays his great skill as a tactician in assuming that because it was the object of the Kansas act to remove the only obstacle to the universality of the rule of self-government in Kansas by repealing the Missouri restriction, therefore it was the meaning and object of that act that the entire constitution should be *submitted* for popular ratification. Here Judge Douglas falls into "a fundamental error," which lies at the foundation of his whole argument. He assumes that because the people of Kansas have a right to regulate all their local and domestic questions in their own way, they can only do this by the *submission* for their ratification of *the whole of any constitution* that this convention might frame. In other words, he construes popular sovereignty and self-government to mean that no constitution can be made and adopted by the people of Kansas unless it shall be *submitted for popular ratification*, and this he insists was the true meaning of the Kansas act. Now, we utterly deny this proposition. We affirm that the people of a Territory or State enjoy popular sovereignty and exercise self-government when they make their constitutions and laws through the agency of their legally-chosen delegates and representatives, as well as when the acts of their agents are submitted for ratification. The will of the people may be ascertained either through their representatives, selected to speak and act out their will, or it may be ascertained by submitting the work of their representatives for popular ratification. Judge Douglas's doctrine, carried to its full extent, would make all laws inoperative until submitted after their passage to the ratification of the people.

As Judge Douglas has appealed to the universal understanding of the authors and supporters of the Kansas act to ascertain its true object and meaning, we now appeal to that same tribunal, and ask if, amongst all the supporters and advocates of that measure, Judge Douglas included, the suggestion was ever made that the doctrine of popular self-government contained in the bill required that the whole constitution framed by the convention should be submitted for popular ratification? Every supporter of the bill throughout the Union maintained that the people of the Territory should have the right to decide whether slavery should exist or not when a State constitution should be framed; but no one of them, from the most exalted to the humblest, ever intimated that the constitution so framed would not be valid unless *submitted* for popular ratification. How could Judge Douglas have so understood the Kansas bill without in some one of his numerous speeches intimating that the principle of popular sovereignty would be violated unless the constitution, when framed, was *submitted* for the ratification of the people? How could he have entertained such a view of the Kansas act when he reported and advocated and voted for the Toombs bill, which contained no provision for submitting the constitution to the people of Kansas? To contend now, as Judge Douglas does, that the principle of popular sovereignty, as laid down in the Kansas act, is violated unless the whole constitution is submitted, is to assume a position contradicted by the universal understanding of the friends of that measure when pending before the country, and not sustained by either the language or the spirit of the act itself. The President's position is in strict accordance with the universal understanding of the democratic party as to the object and meaning of the act, and in supporting the action of the Kansas convention he is faithfully carrying out the principle of popular sovereignty as laid down in the Kansas act and in the Cincinnati platform. Judge Douglas's effort to make the submission of the whole constitution an essential element of popular sovereignty is not sustained by his argument, and, as we respectfully submit, is inconsistent with the position and principles of the democratic party, as understood and expounded in all sections of the Union, throughout this long and bitter contest. It is endangering the substance for the shadow, inasmuch as the people of Kansas have the undoubted right, as soon as the State is admitted, to alter or correct any features in the constitution which may prove to be objectionable. By admitting the State we immediately withdraw from black-republicanism its life-blood, and localize the question of slavery within the limits of Kansas, where the people will have the unlimited right to exercise their will in respect to all questions of State policy. If the exercise of popular sovereignty is what they desire, they will seek it under the panoply of State sovereignty.

It will be observed that the President supports the action of the Kansas convention on two grounds: first, because the Kansas act does not require the whole constitution to be submitted, and because the submission of the slavery question is a full and substantial compliance with its requirements; and, second, because the convention which framed the constitution was a legally-organized body, and its action therefore legitimate. In pursuance of the principle of the Kansas bill, his duty to acquiesce in its action followed as a necessary consequence. We have shown that he stands upon right and principle on the first point, and now we proceed to notice Judge Douglas's objection to the second point. Judge Douglas takes the ground that the Kansas legislature had no authority to pass an act providing for the call of a convention to frame a constitution, and therefore that the action of such convention is null and void. He does not go the length of regarding the convention as a body of rebels like the Topeka convention, but he denies that it was a legitimate body, and insists that validity and vitality could only be given to it by an act of Congress either authorizing its organization or recognising its action. In this position he not only takes issue with the President, but he repudiates the positions of Governor Walker, who distinctly recognised the Kansas convention as legitimately called and organized. For the purpose of settling this question, Judge Douglas falls back on his report of the 12th of March, 1856, as containing the true doctrine on the subject. He says that in that report the committee came to the conclusion that "whenever Congress had passed an enabling act authorizing the people of a Territory to form a State constitution, the convention was regular, and possessed all the authority which Congress had delegated to it; *but whenever Congress had failed or refused to pass an enabling act, the proceeding was irregular and void, unless vitality was imparted to it by a subsequent act of Congress adopting and confirming it.*" He argues that, as Congress at its late session had failed to pass an enabling act, it follows that the convention called by the Kansas legislature was irregular and void.

We confess our surprise at the construction which Judge Douglas now places on his report of the 12th of March, 1856. The proposition before the Senate was the admission of Kansas as a State under the Topeka constitution. The democrats, with Judge Douglas at their head, resisted this application because the Topeka convention was not only an irregular, but an illegal body, assembled in open defiance of law, and with the avowed purpose of overthrowing the legally-constituted authorities in Kansas. The friends of the Topeka movement cited several cases in which Congress had admitted new States in which there was no enabling act, and claimed them as precedents. Judge Douglas, as chairman of the Committee on Territories, reviewed all these precedents and showed that none of them were applicable because in no one of them was the proceeding which originated the application illegal, and in defiance of the territorial laws, as was the case as to the Topeka movement. The general result of the review was stated in these words:

"Your committee are not aware of any case in the history of our own country which can be fairly cited as an example, much less a justification, for these extraordinary proceedings. Cases have occurred in which the inhabitants of particular Territories have been permitted to form constitutions, and take the initiatory steps for the organization of State governments, preparatory to their admission into the Union, without obtaining the previous assent of Congress, BUT IN EVERY INSTANCE THE PROCEEDING HAS ORIGINATED WITH, AND BEEN CONDUCTED IN SUBORDINATION TO, THE AUTHORITY OF THE LOCAL GOVERNMENTS ESTABLISHED OR RECOGNISED BY THE GOVERNMENT OF THE UNITED STATES. Michigan, Arkansas, Florida, and California are sometimes cited as cases in point."

This is Judge Douglas's language—CAPITALS and all. He then proceeds to review the course of Michigan, Arkansas, Florida, California, and Rhode Island, on which the Topeka "insurgents" had relied, and showed that in every case the initiatory steps taken were in subordination to the local authorities, and, therefore, formed no precedents for the admission of Kansas with the Topeka constitution; *but nowhere is it said or intimated that a convention called and held in pursuance of an act of a territorial legislature was irregular and void unless previously sanctioned by an enabling act of Congress.* On the contrary, the point of the report was that all the cases cited, like the present case in Kansas, were either initiated by the regular territorial legislatures, or were subordinate to, and not in defiance of, their authority.

But Judge Douglas says in his speech that his committee recognised and adopted the principle settled in the case of Arkansas, and quotes passages from the opinion of Attorney General Butler to show that, according to the principle of that case, a territorial law for calling a convention would be null and void unless previously authorized by an act of Congress. We do not find the passages of Mr. Butler's opinion now quoted by Judge Douglas on this point to have been quoted by him in his report on the 12th of March, 1856. There is no intimation in that report that the committee adopted the principle laid down by Mr. Butler, that an act of the territorial legislature calling a convention is null and void unless previously authorized by an enabling act of Congress. The whole extent to which the opinion of Mr. Butler is adopted is, that although the initiatory proceedings for application as a State may be irregular and void, yet not being absolutely illegal, and in subversion of the territorial authorities, Congress may entertain the application. Whether the committee intended to adopt any other portion of Mr. Butler's opinion we do not know, but certainly in the report of the 12th of March, 1856, no other portion is adopted in express terms. We should doubt whether any committee would at this day go the length of that opinion; but, no matter how that may be, it is certain that only so much of his opinion was quoted and adopted as met the case of Topeka, and that the paragraphs now quoted and relied on by Judge Douglas were not quoted and adopted in his report of the 12th of March, 1856. It would seem to us to be a strange commentary on the doctrine of territorial self-government to maintain that the people of a Territory, through their regular legislative body, could not initiate proceedings to make application for admission as a State. Yet Judge Douglas, to sustain his argument, is compelled to deny that the legislature of Kansas could legally call a convention to frame a constitution—this, too, when in his report of the 12th March, 1856, he had recognised as valid precedents several cases in which "*the proceeding has originated with, and been conducted in subordination to, the authority of the local governments established,*" as was the case in regard to the late convention in Kansas. We think the legislature of Kansas had a right to regard Judge Douglas as conceding them authority to originate the proceeding for a State convention. It is certain that Governor Walker and Mr. Stanton, and, as far as we know, all other democrats, concurred in regarding the Kansas convention as legitimately called and legally organized. Such was the view taken of it by the President, and in that view he is amply sustained by reason and by legal precedents.

Judge Douglas makes other objections to the Kansas convention, which, though of minor importance, it may be best to notice. He takes a good deal of pains to show that the President, Governor Walker, and Secretary Stanton were committed to the people in favor of the submission of the constitution. He shows, further, that those who voted for delegates to the convention, as well as those who refused to vote, understood that the constitution was to be submitted, and that a portion of the delegates elected were pledged to have the submission made. In view of all these pledges, understandings, and promises, Judge Douglas thinks it a great outrage on the people of Kansas that none other than the slavery question was submitted to them. The answer to all this is easy, obvious, and conclusive. The object in proposing the submission of the constitution was to induce the Topeka portion of the Territory to take their rightful share in making the constitution. They were standing out in resistance of the proposed convention simply because it was called by the territorial legislature whose authority they repudiated. They had every assurance from the President, Governor Walker, Mr. Stanton, and the pro-slavery men, that if they would vote for delegates they should not only be protected at the ballot-box by a sufficient military force, but that the constitution made should then be submitted for popular ratification. Notwithstanding all the assurances given and the appeals made, they stubbornly and factiously refused to go to the polls. Judge Douglas says they had a right to stay away—certainly they had, but had they a right to reject all the offers made, stay away from the election, threaten to prevent the peaceful action of the convention, denounce and repudiate it as a *bogus* assemblage, and, after all, to complain that the promises of submission made to them were not kept? We insist that, in view of the factious refusal of the Topeka men to participate in the election of delegates, the convention was more liberal than they could have been expected to be in submitting the only question at issue between them and the pro-slavery men. Judge Douglas admits that the territorial act calling the convention was fair—it is not denied that the election for delegates was fairly held—it is conceded that the Topeka men had a fair chance to control the convention, and make just such constitution as they wanted; yet when they factiously refuse to exercise their right of self-government in making a constitution, Judge Douglas thinks it was an outrage on their right of self-government not to let them, in the same factious spirit, defeat the will of the legally-organized convention. The Topeka men wanted a State government, as was shown by their Topeka movement in 1856. Here was an opportunity to have one framed in their own way. They refused to make a constitution, and resolved that none should be made, and that none but their own illegal and rebellious proceeding at Topeka should be recognised. Yet Judge Douglas thinks the principle of self-government is outraged, although the only real matter of controversy was fairly referred to a popular vote. We think that such a concession to the Topeka men is a concession to a spirit of agitation and rebellion which the convention was under no obligation to make.

The only sensible object in submitting a constitution is that the people may judge of its provisions and decide on its merits. Judge Douglas knows that the Topeka men wanted no submission for any such patriotic purpose. They had prejudged the constitution before it was made, and they wanted it submitted, not to judge of its merits, but simply to vote it down because they were resolved to keep up the sectional strife and to insist on their illegal Topeka organization. Judge Douglas thinks that even this rebellious and factious spirit ought to have been gratified. The President has taken, as we think, a wiser view of the subject in recognising the action of the convention as the quickest and best mode of rebuking and terminating the spirit of agitation and rebellion in Kansas.

Judge Douglas denies that the question of slavery is fairly submitted to the popular vote—not that the people have not the right freely to decide whether Kansas is to be a free or slave State, but that they cannot vote on either side of the slavery question without voting *for* the constitution. There is more of plausibility than of substance in this objection. The substantial proposition submitted to the people is, whether they will have slavery or not. This is *the* question submitted. The residue of the constitution is not submitted, and was not intended to be submitted, for the good and sufficient reasons before stated. The form in which the question is referred is of small concern. No one who votes the ticket with "constitution with slavery" or that with "constitution without slavery" on it is thereby committed to the approval or disapproval of the judicial system, or the tax system, or any other provision in the constitution except the slavery clause. No one will be precluded from appealing to the principle of popular State sovereignty for the alteration or reformation of any clause in the constitution so soon as the State comes into the Union. Any one in Kansas who is unwilling to vote because he dislikes one or more provisions in the constitution will be wriggling on a mere technicality and halting on an unsubstantial pretext. The all-absorbing and all-disturbing question of slavery is the only matter for decision on the 21st inst.

Whether the convention has adopted the best mode of presenting this question is quite an immaterial point. The substance is presented, and all who want agitation to cease, and who want practical popular sovereignty under a State organization, can vote and contribute to the early attainment of these great objects.

The idea of forcing a constitution on the people of Kansas is absurd, because such a thing is beyond the power of Congress. The constitution presented to Congress comes from a body which legally represents the people of Kansas. If the people of Kansas voluntarily staid away from the polls, and thus permitted a constitution to be made which is not acceptable to them, they cannot ask Congress to disregard the legal proceedings of those who went to the polls and reject the constitution to gratify the spirit of faction and rebellion which instigated them in staying away from the election. Much less can they now pretend that a constitution is about to be forced on them against their will. And, above all, when admitted as a State, the whole subject is under the control of the people of Kansas, free from all outside influence. It comes, then, to this practical question: Is it better for Congress to follow the legal proceedings of the Kansas legislature and the Kansas convention by recognising the constitution and admitting the State—thereby localizing all distracting questions in Kansas, and subjecting them to the decision of State popular sovereignty, and relieving the other States from a dangerous element of sectional agitation?—or is it better to listen to the captious and factious objections of the men in Kansas who have so long disturbed the national quiet, and who manifest no abatement of the factious and rebellious spirit, thus rejecting the work of the men in Kansas who have proceeded peaceably and lawfully, and making concessions to the agitators, thereby prolonging the controversy with all the dangers of discord and civil war with which it is encompassed? The President takes the former view. Judge Douglas comes forward and throws himself in the pathway that leads, as the President believes, to an early and satisfactory adjustment of the Kansas question. We think the President takes a wise, patriotic, and safe view of the whole question; and in the policy adopted by him we think he will be sustained by the popular judgment.

KENTUCKY.

The legislature of this State assembled at Frankfort on Monday, the 7th instant. J. Q. A. King, know-nothing, was chosen speaker of the senate by a vote of 19 to 17, and the whole organization of that branch of the legislature was controlled by the same vote. Dr. J. P. White, democrat, was chosen speaker of the house by 60 votes to 31. All the other officers of the house are democrats.

It is announced by telegraph that the senate, by a strict party vote, have tabled a resolution to elect a United States senator; so the election will go over to the next meeting of the legislature.

THE DISTINGUISHED DEAD.

The legislature of the State of South Carolina has unanimously adopted a series of resolutions in memory of three of her distinguished sons, who have died during the past year—Langdon Cheves, Andrew Pickens Butler, and James Hamilton—"each of whom, in his day and generation, had performed good service, not only to the State in which he lived, but to the whole country." Resolutions of regret and condolence were also unanimously adopted in memory of the Hon. Preston S. Brooks.

A highly interesting letter has been received by the Secretary of the Interior from Mr. Geo. L. Sites, superintendent of the Nebraska wagon road, dated Omaha city, November 18th, 1857. Mr. Sites had been embarrassed and retarded in the construction of the bridges by the frequent rains during the month of October, and the snow storms and high winds of the month of November. At the date of his letter eleven bridges had been erected and completed, and thirteen more had been framed and made ready for erection. If the extreme cold weather would hold off until the 1st of December, Mr. Sites was of the opinion that he should be able, notwithstanding the embarrassments with which he had heretofore been surrounded, to complete all the bridges from the Platte to Dacotah city, with perhaps a single exception. The whole number of bridges which he expected to construct this fall between the Platte and Dacotah city is twenty-eight, including all the bridges between the above points with the exception of a few small bridges, not to exceed an average of six feet in length. In conclusion, Mr. Sites stated that the work would be pushed forward until the extreme cold weather should forbid any further efforts.

From the above information it is fair to infer that this wagon road has at this time been nearly completed. Mr. Sites, and the men who have assisted him in his arduous enterprise, deserve great credit for the zeal and expedition with which they have prosecuted this work.

We have received the prospectus for the publication, on the 1st of January next, of a new weekly paper at Elizabethtown, Kentucky, which will be the first democratic paper that has ever been issued in Hardin county. Its editorial management will be in the hands of Robert S. Forde, esq., a gentleman in every way qualified to make a good fight against the enemies of the constitution and the Union. It is exceedingly gratifying to us to learn from the prospectus that, whilst the democracy have always heretofore been in a minority in that county, recent elections have plainly demonstrated that it can achieve success in the future. We hear of the advent of another democratic county in the Commonwealth of Kentucky with unfeigned pleasure.

THE PRESIDENT AND KANSAS.—The message of President Buchanan fully realizes the high expectations of the democracy of the Union, and justifies the confidence reposed in his wisdom and integrity. The Kansas question—the only one presented in regard to which there is any difference of opinion—is treated in a manner which cannot fail to commend itself to the good sense and sound judgment of all. His argument that the direct and unqualified submission of "slavery or no slavery" to the people of Kansas is a complete vindication of popular sovereignty, so far as the only vital question relating to that Territory is concerned, will remove the fears which many have entertained that the real intention of the Kansas-Nebraska act might be violated.

[*Buffalo Courier.*

We see it stated in Tennessee papers that the East Tennessee and Virginia railroad will probably be completed, and in running order, by the first of March next. When this line of railroad is completed, the time occupied in travel from Memphis to New York will be three days.